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CLAUDIA SANCHEZ, ERIN WALKER
and WILLIAM SMITH

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLAUDIA SANCHEZ, ERIN WALKER
and WILLIAM SMITH, as individuals, and
on behalf of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY; WELLS
FARGO BANK, N.A.; and DOES 1 through
125,

Defendants.

Civil Case No.: C-07-5923 MJJ

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER TO STAY CASE**

Hon. Martin J. Jenkins

Complaint filed: November 21, 2007

1 WHEREAS, plaintiffs Claudia Sanchez, Erin Walker, and William Smith served
2 defendants Wells Fargo & Company and Wells Fargo Bank, N.A. (collectively "Wells Fargo")
3 with the Complaint in this action on December 11, 2007, and December 12, 2007, respectively.

4 WHEREAS, on November 2, 2007, the San Diego Superior Court approved a
5 settlement agreement and entered final judgment in *Smith v. Wells Fargo Bank*, No. GIC
6 802664. The settlement agreement in *Smith* is between Wells Fargo and a certified plaintiff
7 class that potentially includes and affects the three plaintiffs in this case.

8 WHEREAS, on November 19, 2007, plaintiff Sanchez moved the *Smith* court to
9 vacate the entry of judgment in the *Smith* action and reject the settlement agreement on due
10 process grounds. Sanchez has noticed that motion for hearing by the *Smith* court on February 1,
11 2008. It is Wells Fargo's position that if plaintiff Sanchez is unsuccessful in vacating the *Smith*
12 settlement, the judgment in *Smith* approving the settlement agreement (and its accompanying
13 release of claims) bars plaintiffs Sanchez, Walker, and Smith from pursuing their claims here.
14 Plaintiffs dispute that position.

15 WHEREAS, the outcome of Sanchez's motion to vacate the *Smith* judgment will,
16 in large part, dictate the early procedural course of this case. The parties accordingly agree that
17 it would be in the interests of fairness and judicial economy to stay this action until the *Smith*
18 motion is decided. See *Leyva v. Cetified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir.
19 1979) ("A trial court may, with propriety, find it is efficient for its own docket and the fairest
20 course for the parties to enter a stay of an action before it, pending resolution of independent
21 proceedings which bear upon the case.").

22 IT IS HEREBY STIPULATED by and between the Parties that, subject to the
23 Court's approval, this action is stayed pending entry of a final order on plaintiff Claudia
24 Sanchez's pending Motion to Vacate Class Action Judgment in *Smith v. Wells Fargo Bank*, No.
25 GIC 802664 (San Diego Superior Ct.) (the "*Smith* Order").

26 IT IS FURTHER STIPULATED by and between the Parties that, subject to the
27 Court's approval, the answer or other response of defendants Wells Fargo & Co. and Wells
28

1 Fargo Bank, N.A. to plaintiffs' Complaint in this action shall be due 30 days from entry of the
2 *Smith* Order.
3

4 DATED: December 21, 2007

COVINGTON & BURLING LLP

6 By: 

David M. Jolley
Attorneys for Defendants

9 DATED: December 21, 2007

McCUNE & WRIGHT, LLP

11 By:  for

Richard D. McCune
Attorneys for Plaintiffs

14 **IT IS SO ORDERED.**

16 DATED: December __, 2007

17 _____
Hon. Martin J. Jenkins